

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AMEND SECTION 104 OF APPENDIX "A" TO THE CODE OF ORDINANCES OF THE ATLANTA CITY CODE WHICH CONTAINS THE BUILDING CODE AMENDMENTS, FOR THE PURPOSE OF: UPDATING BUILDING PERMIT FEES; SPECIFYING THE TIME WHEN SUCH FEES ARE COLLECTED, PROVIDING FOR A MAXIMUM TIME THAT A PERMIT APPLICATION CAN REMAIN IN PROCESS; IMPOSING A TECHNOLOGY SURCHARGE; AND FOR OTHER PURPOSES.

WHEREAS, the fees for building permits in the City of Atlanta are based on a cost per square foot table developed by the International Code Council which has been incorporated into Section 104 of Appendix "A" Building Code Amendments; and

WHEREAS, the building valuation data reflected as a cost per square foot considers factors that reflect the relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction; and

WHEREAS, the cost per square foot table is updated by the International Code Council every six months to reflect the changes in the actual cost of development over time; and

WHEREAS, the building valuation data used by the City of Atlanta has been updated since September of 2001; and

WHEREAS, the current practice of the Bureau of Buildings is to collect all fees when the building permit is issued; and

WHEREAS, the Bureau of Buildings has determined that the amendment of plans in certain permit applications increase the cost required to review the application above the permit fees ordinarily imposed; and

WHEREAS, the Bureau of Buildings has determined that many permit applications which are submitted do not result in the issuance of permits such that no fee are collected before the application is withdrawn; and

WHEREAS, the Bureau of Buildings has determined that many permit applications which are submitted may remain inactive for extended periods requiring that the plans be reviewed for a second time; and

WHEREAS, the automation of the processes in the Bureau of Buildings requires an investment in maintenance, technical support, increased staffing, document storage capabilities and the payment of yearly licensing fees which are in addition to the present cost of plan review and administration of the Bureau of Buildings.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY ORDAINS AS FOLLOWS:**

Section 1: That Section 104 of Appendix A of Part III of the Code of Ordinances of the City of Atlanta ("the Land Development Code") entitled "Building Code Amendments" be amended by making the changes noted in the attached Exhibit "A" such that the text of Section 104 shall read as set forth in Exhibit "B" specifically including the table of building valuation data.

Section 2: That the portion of Appendix B following Part II of the Code of Ordinances of the City of Atlanta entitled "Fees" which contains the text of Section 104.2 of Appendix A ("Building Code Amendments") be amended such that the entire text of Section 104 as set forth in Exhibit "B," specifically including the table of building valuation data, replaces the text of Section 104.2 as previously set forth. All other parts of Appendix B following Part II of the Code of Ordinances of the City of Atlanta entitled "Fees" are to remain unaffected.

Section 3: That the Technology Surcharge imposed by the amendments to Section 104 be deposited to a trust fund account created for the purpose of the payment of maintenance, technical support, staffing, document storage capacity, yearly licensing fees and upgrades to software and hardware associated with automation of the building permit process in the Bureau of Buildings.

Section 4: That the Chief Financial Officer be and is authorized to create the trust accounts necessary for the deposit of the Technology Surcharge imposed by the amendments to Section 104.

Section 5: That the Chief Financial Officer be and is authorized to accept the deposit of the Technology Surcharge imposed by the amendments to Section 104 and upon receipt of proper documentation from the Director of the Bureau of Buildings pay out such funds for maintenance, technical support, staffing, document storage capacity, yearly licensing fees and upgrades to software and hardware associated with automation of the building permit process in the Bureau of Buildings.

Section 6: This Director of the Bureau of Buildings is authorized to impose the fees set forth in this ordinance as soon as the changes to the processes, policies and procedures of the Bureau of Buildings and the Department of Finance have been completed after this ordinance shall become effective.

Section 7: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

SECTION 104. PERMITS**104.1. Applications**

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(a) Applications for permits shall be examined within a reasonable time after filing. If, after examination, no objection is found to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the application shall be approved and a permit issued for the proposed work. If examination reveals otherwise, such application shall be rejected and the applicant notified by a written report or otherwise.

(b) A non-refundable minimum initial permit fee of \$75.00 and a Technology Surcharge of \$25.00 shall be imposed for all building permit applications accepted for review. Any failure of the form of the payment offered for permit fees shall result in the immediate cancellation of the application.

(c) For all permits requiring plan review, a portion of the total building permit fee shall be paid to cover the cost of plan review before any further processing of the application shall occur. The applicant shall be responsible for providing accurate cost construction information to the Director in such form as the Director shall specify.

(i) All applicants shall pay 50% of the total building permit fee before plan review will commence.

(ii) Amendments or corrections to plans requiring a third review of the plans, and each subsequent plan amendment or correction may require the payment of an additional 25% of the estimated building permit fee.

(iii) Revisions or amendments to plans for which a building permit has been issued, but for which no certificate of occupancy has been issued may, at the discretion of the director, require an additional plan review fee of up to 25% of the original plan review fee, 50% of the permit fee of the additional valuation of the work, or a fee of \$150.00 per hour of plan review time whichever is smaller.

(iv) Within thirty days after the payment of the initial permit fee (50% of the total building permit fee estimate), the applicant may present in writing a request that the building permit application be withdrawn. The Director may authorize a refund of up to 50% of the plan review fee payment, provided that the cost for the plan review (\$150.00 per hour of review) does not exceed the amount of refund requested as of the date when the Bureau of Buildings received the refund request.

(d) An application shall expire when there has been no activity on the application for a period of 180 days.

(i) With respect to an application not approved for issuance of the building permit, "no activity" shall mean that the applicant of record has not responded to the director's notification that additional information or correction of any of the required plans is required before further processing of the application can take

place or that the applicant has failed to submit corrections to plans or additional information after having received the director's instructions.

(ii) With respect to an application approved for issuance of the building permit, "no activity" shall mean that the applicant of record has not responded to the director's notification that all required approvals have been obtained and the building permit is awaiting issuance and that the final fee payment is due.

(iii) An expired application shall not be vested against any change in the zoning code, or any applicable building code, or any other ordinance of the City of Atlanta.

(iv) An expired application may be reactivated by the director, by the payment of the actual cost (\$150.00 per hour) to review the plans for any change in the zoning code and any applicable building code but in no case shall this cost be less than \$150.00.

(v) Any changes requested to an expired application shall require an additional 50% of the cost of the building permit to cover the cost of review by all affected departments.

(e) An application shall be cancelled and shall not be reactivated after 365 days of no activity. For the purposes of determining when cancellation of the permit shall occur, "no activity" shall have the same meaning which applies to the expiration of applications and begin as of the same date that the expiration period begins.

(f) Once the applicant has been contacted in the manner set forth in their application and been informed that all required approvals have been obtained and the building permit does not issue within 365 days of the date of such contact, the permit application shall be cancelled and may not be reactivated.

(g) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

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(h) Nothing in this section shall be construed to prevent the building official from issuing a permit for the construction of a part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved.

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(i) The issuance of a permit based on applications, plans and/or specifications shall not prevent the Director from thereafter requiring the correction of errors when in violation of this Code or of other ordinances of the City of Atlanta, Georgia.

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104.2. Fees.

Any persons obtaining a building permit shall pay to the City of Atlanta fees in accordance with the value of the proposed work per square foot of building. For purposes of this section, the minimum value of proposed new work shall be based on Table 100, Bureau Valuation Data provided by the International Code Council as updated February 2008. Valuation of alteration projects shall be based upon the estimated construction costs for new work. Minimum value for interior alterations without engineered structural work shall be 20% of the valuation of new building construction. For interior alterations involving structural engineering, the minimum valuation shall be 40% of the value of new building construction. The factor shall apply only the square footage being altered in the application and not the entire structure.

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(a) No permit or permit fee is required for any repair work with a total valuation of less than \$2,500.00 provided that such work is otherwise lawful.

(b) A total permit fee of \$5.00 per \$1,000.00 of valuation shall be paid. The final fee payment shall be the total of the valuation cost calculation less the plan review cost previously paid. No permit is valid until such fees have been paid to the City of Atlanta and validated by Bureau of Treasury.

Deleted: , or \$50.00 whichever is greater,

(c) A reinspection fee of \$50.00 shall be imposed for each reinspection after the initial inspection when a written notice has been issued requiring the correction of inferior work.

(d) A fee of double the usual permit fee will be charged for all building begun without a permit. However, in no case shall the penalty portion of said fee exceed \$1,000.00. In the event that work is stopped for failure to obtain a permit and citations are issued for violation of the stop work order, any court imposed fines shall be for violation of the stop work and every violation may constitute a separate offense

(e) The fee for changing the contractor of record on a permit or permit application shall be \$50.00.

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(f) A fee of \$1.00 per square foot for any new signs or \$100.00, whichever is greater, shall be charged for all sign permits.

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(g) A fee of double the usual permit fee shall be charged for signs erected without a permit. However, in no case shall the penalty portion of said fee exceed \$1,000.00.

(h) Certificates of Occupancies fees shall be as follows:

- New one- and two-family residences shall be \$50.00.
- Additional units to one- and two-family residence shall be \$50.00.
- Tenant building-out for residential shall be \$50.00.

- d. New commercial building shall be \$100.00.
- e. New commercial building exceeding two stories in height shall be \$200.00.
- f. New high-rise building shall be \$300.00.
- g. Tenant building-out for commercial shall be \$50.00.
- h. All temporary certificates of occupancy shall be \$100.00.

TABLE 100
BUILDING VALUATION DATA

(Table at Attachment "A")

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1
Occupancy ... [1]

Notes to Table 100:

- 1. Building valuation data provided by International Code Council.
- 2. This chart shall be applied without regional modifiers.
- 3. Unfinished basements add \$10.00/per sq. ft.
- 4. For sprinkled buildings in other than hazardous occupancies add \$1.75/sq. ft.
- 5. Add \$41,000.00 per elevator.

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(i) "All building permit fees are waived for the non-profit development of housing for the homeless, all other requirements remaining applicable. For purposes of this subsection a non-profit development is that constructed by an entity recognized as non-profit under § 501(c)(3) of the Internal Revenue Code or an entity meeting the requirements of § 501(c)(3)."

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(j) Development impact fees shall be imposed in accordance with section 19-1001 of the City of Atlanta Code of Ordinances.

104.3. Refund of Permit Fees.

Within six months from the date of issuance of a permit, a refund request of 50% of the to permit fee may be granted for the following:

Deleted: (Ord. No. 1996-63, § 1, 8-26-96; Ord. No. 1998-9, § 1, 2-23-98; Ord. No. 2002-11, § 1, 3-5-02; Ord. No. 2002-35, § 1, 5-28-02)¶
Editor's note: The provisions designated as subsection (i) were added by Ord. No. 1989-87. Such ordinance added the provisions as a new subsection (h). As subsection (h) existed, the provisions have been redesignated as subsection (i). ¶

- (a) When a permit has been issued in error as determined by the director, provided no work has commenced on that permit.
- (b) When a permit has been issued and the job has been cancelled by the applicant, provided no work has commenced on that permit.

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Deleted: 50 percent of the permit fee may be refunded

All applications for refunds shall be in writing and shall state the reasons for the request. However no refund shall be issued for less than \$50.00

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Table for Exhibit A - 1

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TABLE INSET:

Lemuel H. Ward

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Occupancy	Type of Construction 4								
	I	II	II	IV 5		V 5		VI 5	
				1-HR	UNP	1-HR	UNP	1-HR	UNP
Assembly									
Auditorium	100.5	97.5	77.5	48.5	46.5	76.5	73.5	73	69.5
Church	100.5	97	78.5	68.5	67.5	77.5	74.5	74	71
Gynasium	80.5	80.5	64	57	55	63	59.5	60	56.5
Restaurant	84.5	84.5	71.5	64	62	70.5	67.5	66.5	63.5
Theater	98	95	66	59	57.5	65.5	62	62	58.5
Business									
Office	83.5	84	66	58.5	56	65	63.5	61.5	58.5
Research/Engineering	56	53	48	42.5	40.5	47	44	44.5	40.5
Service Station	91.5	87.5	71	68.5	66.5	70	66.5	63.5	60
Educational									
School	89	78.5	65.5	59	57.5	64.5	61	62	58.8
Factory-Industrial									
Factory (light MGF)	34	32	35	29.5	32.5	34	31	31.5	27.5
Hazardous (Sprinkler System included) 4									
Hazardous									
Institutional									
Convalescent	110.5	108	77.5			76.5			

Table for Exhibit A -2

Hospital									
Hospital		129.5	105		71.5	104			
Mercantile									
Department Stores	71	104.5	62	44.5	43	61	57.5	46.5	42.5
Mall Stores	73	73	58.5	53	51.5	57.5	34.5	54.5	51
Mall-Concourse	64	64	47	45	43	46	43	46	43
Retail Store	56.5	54.5	49	44.5	43	48.5	45	46.5	42.5
Residential									
Apartments	66.5	63.5	55	49.5	47.5	54	51	51	47.5
Dormitories	79.5	77.5	66.5	60	58.5	65.5	62.5	60.5	57.5
Homes for Elderly	80	77.5	69	64	62	68.5	65	65.5	62
Hotel	78	76	65.5	53.5	52	64.5	61.5	59	56
Motel	78	76	57.5	53.5	52	57	53.5	55.5	52
Single Family Residence 3	74.5	67	59.5	54	52	58.5	55.5	53.5	50.5
Storage									
Auto Parking Structure	31	29.5	20	20	20	20	20	16	16
Private Garage			36	29.5	27.5	35	32	32.5	29
Repair Garage	39	39	38	30.5	28.5	37	34	33	30
Warehouse	39	36.5	31	25.5	23.5	30	26.5	27	24

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Exhibit B-2

place or that the applicant has failed to submit corrections to plans or additional information after having received the director's instructions.

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Table 100
Building Valuation Data
Cost per Square Foot

Group (2006 International Building Code)	1A	1B	2A	2B	3A	3B	4	5A	5B
A-1 Assembly, theaters, with stage	196.11	189.78	185.37	177.60	167.20	162.27	171.92	152.56	146.94
A-1 Assembly, theaters, without stage	177.62	171.29	166.88	159.10	148.75	143.82	153.43	134.10	128.49
A-2 Assembly, nightclubs	149.94	145.74	142.04	136.49	128.53	124.91	131.71	116.50	112.58
A-2 Assembly, restaurants, bars, banquet halls	148.94	144.74	140.04	135.49	126.53	123.91	130.71	114.50	111.58
A-3 Assembly, churches	180.72	174.39	169.98	162.21	151.82	146.89	156.54	137.18	131.57
A-3 Assembly, general, community halls, libraries, museums	152.81	146.48	141.07	134.30	122.33	118.97	128.63	108.26	103.65
A-4 Assembly, arenas	176.62	170.29	164.88	158.10	146.75	142.82	152.43	132.10	127.49
B Business	154.16	148.70	144.00	137.27	125.07	120.41	131.97	109.81	105.37
C Educational	166.52	160.91	156.34	149.52	140.14	132.98	144.59	123.34	118.69
F-1 Factory and industrial, moderate hazard	92.68	88.42	83.70	80.93	72.45	69.29	77.68	59.67	56.50
F-2 Factory and industrial, low hazard	91.68	87.42	83.70	79.93	72.45	68.29	76.68	59.67	55.50
H-1 High Hazard, explosives	86.84	82.58	78.86	75.09	67.79	63.63	71.84	55.02	0.00
H234 High Hazard	86.84	82.58	78.86	75.09	67.79	63.63	71.84	55.02	50.85
H-5 HPM	154.16	148.70	144.00	137.27	125.07	120.41	131.97	109.81	105.37
I-1 Institutional, supervised environment	152.30	147.08	143.14	137.34	128.24	124.73	138.61	116.09	111.54
I-2 Institutional, hospitals	256.26	250.80	246.11	239.38	226.55	0.00	234.08	211.31	0.00
I-2 Institutional, nursing homes	179.18	173.72	169.02	162.30	150.51	0.00	157.00	135.27	0.00
I-3 Institutional, restrained	174.99	169.52	164.83	158.10	147.16	141.52	152.80	131.92	125.48
I-4 Institutional, day care facilities	152.30	147.08	143.14	137.34	128.24	124.73	138.61	116.09	111.54
M Mercantile	111.44	107.24	102.53	97.99	89.62	87.00	93.21	77.59	74.67
R-1 Residential, hotels	154.24	149.02	145.08	139.28	129.95	126.44	140.32	117.80	113.25
R-2 Residential, multiple family	129.33	124.11	120.17	114.37	105.16	101.65	115.53	93.01	88.46
R-3 Residential, one- and two-family	122.11	118.76	115.86	112.68	108.62	105.77	110.77	101.74	95.91
R-4 Residential, care/assisted living facilities	152.30	147.08	143.14	137.34	128.24	124.73	138.61	116.09	111.54
S-1 Storage, moderate hazard	85.84	81.58	76.86	74.09	65.79	62.63	70.84	53.02	49.85
S-2 Storage, low hazard	84.84	80.58	76.86	73.09	65.79	61.63	69.84	53.02	48.85
U Utility, miscellaneous	65.15	61.60	57.92	55.03	49.70	46.33	51.94	39.23	37.34

TABLE FOR
CIVILIT R.A.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: 404-330-6724

Originating Department: Department of Planning

Committee(s) of Purview: Finance/ Executive

Chief of Staff Deadline: April 30, 2008

Anticipated Committee Meeting Date(s): May 13-14, 2008

Anticipated Full Council Date: May 19, 2008

Legislative Counsel's Signature: [Signature] (for Lavelle Ward)

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND SECTION 104 OF APPENDIX "A" TO THE CODE OF ORDINANCES OF THE ATLANTA CITY CODE WHICH CONTAINS THE BUILDING CODE AMENDMENTS, FOR THE PURPOSE OF: UPDATING BUILDING PERMIT FEES; SPECIFYING THE TIME WHEN SUCH FEES ARE COLLECTED, PROVIDING FOR A MAXIMUM TIME THAT A PERMIT APPLICATION CAN REMAIN IN PROCESS; IMPOSING A TECHNOLOGY SURCHARGE; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 4/30/08 [Signature] Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)